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EXAMINER

CHAN, WING F,

ART UNIT PAPER NUMBER

2643

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/620,162

Applicant(s)

CHANG ET AL.

Examiner

Wing F. Chan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 19, 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 19, line 2 "the second ringing pattern" lacks clear antecedent basis in that claim 13 does not recite any second ringing pattern.

Dependent claim 20 is also rejected for the same reason since it is dependent on rejected base claim 19 and contains the same problem(s).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Leichner (US PAT. NO. 6,002,748).

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Regarding claims 1, 12, 13, Leichner discloses a system and method for emergency notification over a telephone network. In Leichner, central computer 10 is the central emergency coordination center for processing emergency location/event information (e.g. col. 2 lines 33-44, col. 6 lines 44-60) with a stored look-up program (e.g. col. 2 lines 51-56), identifying one or more regional emergency coordination centers (e.g. local exchanges, col. 2 line 57 to col. 3 line 5), transmitting emergency location information from the central to the local exchange (e.g. col. 2 lines 60-63), transmitting emergency event information from the central to the local exchange (e.g. col. 2 lines 60-63), selecting a list of customers affected (e.g. col. 2 lines 65-68), initiating customer telephone calls from the local exchange to the customers affected (e.g. col. 2 lines 65-68), transmitting emergency event information (recorded messages) to the receivers of the customers affected (e.g. col. 2 lines 66-67). Also see col. 3 line 34 to col. 9 line 55 and all figures.

Regarding claims 2, 14, the local exchange database 34 comprises geography data; e.g. see col. 3 line 53 to col. 4 lines 12, 43-51.

Regarding claims 3, 15, the central computer database comprises customer information; e.g. see col. 5 lines 24-27.

Regarding claims 4, 16, note col. 8 lines 4-21, 41-46 for example, where each exchange dials its own local subscribers, therefore inherently a list of the local subscribers is generated in order to dial the local subscribers and maintain a record thereof.

Regarding claims 5, 17, see col. 8 lines 22-26 for example, which discloses using a telephone ringing pattern [second ringing pattern] that's different from conventional normal [first] ringing pattern.

5. Claims 1-5, 12-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Tate (US PAT. NO. 6,509,833 filed 5/18/2001).

Regarding claims 1, 12, 13, Tate discloses a system and method for emergency notification over a telephone network (e.g. see abstract, col. 1 lines 41-60). In Tate, central switch 10 is the central emergency coordination center for processing emergency location/event information (e.g. col. 6 lines 13-42) with a stored look-up program (e.g. col. 6 lines 32-34), identifying one or more regional emergency coordination centers (e.g. remote switch 20 base station 40, col. 6 lines 43-53), transmitting emergency location information from the central to the remote switch and base station (e.g. col. 6 lines 43-53), transmitting emergency event information from the central to the remote switch and base station (e.g. col. 6 lines 43-53), selecting a list of customers affected (e.g. col. 2 lines 65-68), initiating customer telephone calls from the local exchange to the customers affected (e.g. col. 6 lines 49-52), transmitting emergency event information (announcement, text messages, e.g. col. 8 lines 1-8) to the receivers of the customers affected. Also see col. 6 line 66 to col. 10 line 67 and all figures.

Regarding claims 2, 14, the remote switch 20 and base station 40 comprises geography data; see col. 6 lines 46-54 for example.

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Regarding claims 3, 15, the central database comprises customer information; see col. 7 lines 24-30.

Regarding claims 4, 16, note col. 6 lines 49-54, where each local switch 20 and base station 40 dials its own local subscribers, therefore inherently a list of the local subscribers is generated in order to dial the local subscribers and maintain a record thereof.

Regarding claims 5, 17, see abstract, col. 3 lines 19-40 for example, which discloses using different ringing tones, e.g. cadences, i.e. a telephone ringing pattern [second ringing pattern] that's different from conventional normal [first] ringing pattern.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 6, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leichner.

Leichner differs from the claimed invention in not disclosing the second ringing pattern comprises rings having a duration of less than 50% of those in the first ringing pattern. However, Leichner in col. 8 lines 22-26 states "...to provide a ringing sequence for the warning message which is different from the conventional ringing sequence. This alerts a telephone subscriber to the fact that the message is unusual and important". Thus, to modify Leichner to comprise a second ringing pattern having a duration of less than 50% of those in the first ringing pattern would have been obvious to one of ordinary skill in the art at the time the invention was made as long as it is different from the conventional ringing sequence and alerts a telephone subscriber to the fact that the message is unusual and important; and such a ringing sequence would have been obvious and within the scope of Leichner's teachings.

9. Claims 7, 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leichner in view of Lausi (US PAT. NO. 6,694,132).

Leichner differs from the claimed invention in not disclosing determining responses to the telephone calls to the affected customers, and re-queues selected calls for repeat call.

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Lausi discloses a method and system for broadcasting warnings to affected customers within a defined geographical area. Lausi in col. 3 lines 50-65 teaches determining responses to the telephone calls to the affected customers, and re-queues selected calls for repeat call, where the responses comprises busy, no answer, reply. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Leichner to determine responses to the telephone calls to the affected customers, and re-queues selected calls for repeat call to ensure that the called party receives the warning message and respond accordingly. Since Lausi teaches the responses to the telephone calls comprise no reply, busy, no answer, it would have been further obvious to one of ordinary skill in the art at the time the invention was made that such conditions also encompass the call being answered by an answering machine in which instance the called party provided no reply or no answer to the telephone call.

10. Claims 8, 9, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leichner in view of Clayton (US PAT. NO. 4,777,474).

Leichner differs from the claimed invention in not disclosing a ringing pattern detector for detecting the second ringing pattern and activate an alarm in response thereto.

However, it is old and well known in the art to provide a ringing pattern detector for detecting the second ringing pattern and activate an alarm in response thereto in order to alarm the hearing impaired of the alarm condition, for example see Clayton Fig.



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2 ring detect logic 102, col. 1 lines 33-46, col. 3 lines 9-21, col. 4 lines 31-53. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Leichner to comprise a ringing pattern detector for detecting the second ringing pattern and activate an alarm in response thereto in order to alert the hearing impaired of the alarm condition.

11. Claims 6, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tate.

Tate differs from the claimed invention in not disclosing the second ringing pattern comprises rings having a duration of less than 50% of those in the first ringing pattern. However, Tate in Fig. 1, abstract, col. 3 lines 33-40, col. 4 lines 6-14 for example, discloses using different ringing patterns to alert the subscriber of emergency condition. Thus, to modify Tate to comprise a second ringing pattern having a duration of less than 50% of those in the first ringing pattern would have been obvious to one of ordinary skill in the art at the time the invention was made as long as it is different from the conventional ringing sequence and alerts a telephone subscriber to the fact that the message is unusual and important; and such a ringing sequence would have been obvious and within the scope of Tate's teachings.

12. Claims 7, 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tate in view of Lausi (US PAT. NO. 6,694,132).

Tate differs from the claimed invention in not disclosing determining responses to the telephone calls to the affected customers, and re-queues selected calls for repeat call.

Lausi discloses a method and system for broadcasting warnings to affected customers within a defined geographical area. Lausi in col. 3 lines 50-65 teaches determining responses to the telephone calls to the affected customers, and re-queues selected calls for repeat call, where the responses comprises busy, no answer, reply. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tate to determine responses to the telephone calls to the affected customers, and re-queues selected calls for repeat call to ensure that the called party receives the warning message and respond accordingly. Since Lausi teaches the responses to the telephone calls comprise no reply, busy, no answer, it would have been further obvious to one of ordinary skill in the art at the time the invention was made that such conditions also encompass the call being answered by an answering machine in which instance the called party provided no reply or no answer to the telephone call.

13. Claims 8, 9, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tate in view of Clayton (US PAT. NO. 4,777,474).

Tate differs from the claimed invention in not disclosing a ringing pattern detector for detecting the second ringing pattern and activates an alarm in response thereto.

However, it is old and well known in the art to provide a ringing pattern detector for detecting the second ringing pattern and activate an alarm in response thereto in order to alarm the hearing impaired of the alarm condition, for example see Clayton Fig. 2 ring detect logic 102, col. 1 lines 33-46, col. 3 lines 9-21, col. 4 lines 31-53. Tate in col. 10 lines 63-67 further discloses sending a specific ringing to cause a predetermine response in specific equipment for hearing impaired subscribers. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tate to comprise a ringing pattern detector [specific equipment for hearing impaired subscribers] for detecting the second ringing pattern and activate an alarm [predetermine response] in response thereto in order to alert the hearing impaired of the alarm condition.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vinson (US PAT. NO. 6,728,340) discloses a targeted disaster warning system.

Allport (US PAT. NO. 6,021,177) discloses a community alarm/notification device, method and system.

Newland et al (US PAT. NO. 6,724,861) discloses a method and apparatus for disseminating emergency warning information.

Blunt (US PAT. NO. 5,651,070) discloses a warning device programmable to be sensitive to preselected sound frequencies.

Moore et al (US PAT. NO. 6,546,081) discloses a telephone security system.

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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Examiner W. F. Chan** whose telephone number is 703-305-4732.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached at 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-305-3900.



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SENIOR PRIMARY EXAMINER  
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WFC  
10/22/04